UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

EMILIO SANTELISES,)
Plaintiff,)
v.) Civil Action No. 12-11164-NMG
BANK OF AMERICA, N.A., as successor by merger to BAC HOME LOAN SERVICING, LP and FEDERAL HOME LOAN MORTGAGE CORPORATION,))))
Defendants.)) _)

REPORT AND RECOMMENDATION ON DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

October 22, 2012

SOROKIN, C.M.J.

Pursuant to Federal Rule of Civil Procedure 12(b)(6), the defendants, Bank of America, N.A. ("Bank of America") and Federal Home Loan Mortgage Corporation ("Freddie Mac"), seek dismissal of the Complaint filed against them by the plaintiff, Emilio Santelises. For the reasons that follow, I recommend that the motion (docket # 5) be ALLOWED.

I. BACKGROUND

The following facts are drawn from the Complaint and the documents referenced therein.¹

Report and Recommendation accepted and adopted. MM Gotton, USDJ 11/30/12

¹On a motion to dismiss, the Court may consider documents "expressly incorporated" into the complaint, as well as those "relie[d] upon [in the complaint and] whose authenticity is not challenged." Alt. Energy, Inc. v. St. Paul Fire & Marine Ins. Co., 267 F.3d 30, 33 (1st Cir. 2001). Santelises has not objected to the defendants' submission of two letters referenced in the Complaint. See generally Doc. No. 14.